

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

AM

Mailed: September 5, 2013

Cancellation No. 92057050

Bio-Reference Laboratories,  
Inc.

v.

CareEvolution, Inc.

**Andrew P. Baxley, Interlocutory Attorney:**

On August 21, 2013, respondent filed a proposed amendment to its Registration No. 4304005, with petitioner's consent.<sup>1</sup>

By the proposed amendment, respondent seeks to change the identification of goods and services as follows:<sup>2</sup>

International Class 35

**from** "Business and management consulting for healthcare providers and related businesses; Business information management, namely, electronic reporting of business information, business analytics, namely, business investigations, evaluations, expert appraisals, information and research, trade spend business management; Business management and consultation in the field of case management, integrated justice, data conversions, and business intelligence; Business monitoring and consulting services, namely, tracking web sites and applications of others to

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<sup>1</sup> Registrant's amendment does not indicate proof of service of a copy of same on counsel for petitioner as required by Trademark Rule 2.119. In order to expedite this matter, the parties are directed to the following URL where a copy of said amendment can be viewed:

<http://ttabvue.uspto.gov/ttabvue/v?pno=92057050&pty=CAN&eno=6>

<sup>2</sup>The identification of goods and services in Class 9 and 44 remain unchanged.

provide strategy, insight, marketing, sales, operation, product design, particularly specializing in the use of analytic and statistic models for the understanding and predicting of consumers, businesses, and market trends and actions; Business services provided to the healthcare industry, namely, the collection, reporting, and analysis of healthcare quality data for business purposes; Collecting and analyzing claims data from healthcare organizations for business purposes; Consulting in the fields of healthcare operations management and hospital operations management; Electronic data collection and data submission services for business purposes in the fields of medicine and healthcare; Healthcare management service organization (MSO) services, namely, providing practice organization, management and administrative support services to individual physicians or small group practices; Promoting collaboration within the scientific, research and medical communities to achieve advances in the field of healthcare; Promoting collaboration within the scientific, research and provider communities to achieve advances in the field of healthcare; Promoting the exchange of information and resources within the scientific research and medical communities to achieve advances in the field of healthcare; Providing business intelligence services; Providing business intelligence services in the fields of medical devices, pharmaceuticals and the life sciences; Providing reimbursement benchmarking information and other market intelligence to healthcare organizations"

**to**

"Business information management, namely, electronic reporting of business information, business analytics, namely, business investigations, evaluations, expert appraisals, information and research, trade spend business management; Business services provided to the healthcare industry, namely, the collection, reporting, and analysis of healthcare quality data for business purposes; Collecting and analyzing claims data from healthcare organizations for business purposes; Consulting in the fields of healthcare operations management and hospital operations management; Promoting collaboration within the scientific, research and medical communities to achieve advances in the field of healthcare; Promoting collaboration within the scientific, research and provider communities to achieve advances in the field of healthcare; Promoting the exchange of information and resources within the scientific research and medical communities to achieve advances in the field of healthcare; Providing business intelligence services; Providing business intelligence services in the fields of medical devices, pharmaceuticals and the life sciences."

International Class 38

**from** "Communications via multinational telecommunication networks; Computer transmission of information accessed via a code or a terminal; Consulting in the field of telecommunication services, namely, transmission of voice, data, and documents via telecommunications networks; Electronic data interchange (EDI) services; Electronic data interchange services in the field of healthcare transactions such as claims, eligibility, claim status, electronic remittance advice, prior authorizations, attachments and referrals that allow direct transaction and payment communications between healthcare providers and payers; Electronic delivery of images and photographs via a global computer network; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic exchange of medical records across a nationwide health information network; Information transmission services via digital networks; Peer-to-peer network computer services, namely, electronic transmission of audio, video and other data and documents among computers; Providing access to an electronic exchange of medical records across a nationwide health information network"

**to**

"Computer transmission of information accessed via a code or a terminal; Electronic data interchange (EDI) services; Electronic data interchange services in the field of electronic remittance advice, prior authorizations, attachments and referrals that allow direct transaction and payment communications between healthcare providers and payers; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic exchange of medical records across a nationwide health information network; Information transmission services via digital networks; Providing access to an electronic exchange of medical records across a nationwide health information network"

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), USPTO records indicate that the required fee has not been paid; in addition, the proposed

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amendment is not verified or supported by a declaration under Trademark Rule 2.20. See Trademark Rules 2.6 and 2.173; TMEP Section 1609.01 (April 2013).

Accordingly, registrant is allowed until thirty days from the mailing date of this order to submit the required fee and declaration, failing which the proposed amendment will be given no further consideration.

Proceedings are otherwise suspended.